

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, SEPTEMBER 9 1986

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING September 9 A.D., 19 86  
IN Regular SESSION. PRESIDENT Samuel J. Talarico  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND  
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING  
MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,  
GIAQUINTA P, HENRY P, REDD P,  
SCHMIDT P, STIER P, TALARICO

ABSENT: \_\_\_\_\_

COUNCILMAN: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

THE INVOCATION WAS GIVEN BY \_\_\_\_\_

THE MINUTES OF THE LAST REGULAR August 26, 1986  
, 19

SPECIAL August 19 & 25 19 86

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

COMMUNICATIONS FROM THE MAYOR

August 27, 1986

To the Common Council  
Gentlemen and Mrs. Bradbury:

Today, August 27, 1986, I have approved the following Ordinances and Resolutions passed by the Common Council at this regular meeting of August 26, 1986.

(Bill No. S-86-08-05)  
SPECIAL ORDINANCE NO. S-136-86

AN ORDINANCE approving the disposal and transfer of real estate owned by the City of Fort Wayne, Indiana, to James H. Miller and Dianna Thornhill Miller, d/b/a, Omni-Art Design, Inc.

(Bill No. S-86-08-06)  
SPECIAL ORDINANCE NO. S-137-86

AN ORDINANCE approving the acquisition of equipment to enhance the City of Fort Wayne, Indiana's 911 Service

(Bill No. R-86-08-03)  
RESOLUTION NO. R-59-86

A RESOLUTION authorizing the City of Fort Wayne to borrow \$19,265.00 from the State of Indiana for the purpose of extending water lines

(Bill No. R-86-08-24)  
DECLARATORY RESOLUTION NO. R-60-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2130 Lakeview Drive, Fort Wayne, Indiana (James E. Nusbaum, Petitioner)

(Bill No. G-86-07-28)  
GENERAL ORDINANCE NO. G-29-86

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a dedicated utility easement thereof

(Bill No. G-86-07-30)  
GENERAL ORDINANCE NO. G-30-86

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a street thereof



(Bill No. G-86-08-10)  
GENERAL ORDINANCE NO. G-31-86

AN ORDINANCE amending Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, entitled "Traffic Code"

(Bill No. R-86-08-08)  
RESOLUTION NO. R-61-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the Housing Authority's participation in the Housing and Neighborhood Development Services' Rental Rehabilitation Program for 1986

(Bill No. R-86-08-09)  
RESOLUTION NO. R-62-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the Housing Authority's continued participation in the Section 8 Existing Certificates program as provided in the Housing and Urban Recovery Act of 1983

(Bill No. S-86-08-11)  
SPECIAL ORDINANCE NO. S-138-86

AN ORDINANCE approving Change Order No. 2, Maplecrest Road Extension, Resolution #6021-85, with Earth Construction Company, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-08-12)  
(as amended)  
SPECIAL ORDINANCE NO. S-139-86

AN ORDINANCE approving the awarding of Reference #2871, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Hipskind Concrete Corporation for the Water Maintenance and Service Department

(Bill No. S-86-08-13)  
SPECIAL ORDINANCE NO. S-140-86

AN ORDINANCE approving Change Order No. 1, Emergency Resolution 76-78-1, Pavement Blow-up in 5200 Block of North Clinton, with Mergy Construction Co., Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-08-14)  
SPECIAL ORDINANCE NO. S-141-86

AN ORDINANCE approving Change Order No. 1 for Resolution 6025-85, CBD Resurfacing, with Brooks Construction Co., Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-08-15)  
SPECIAL ORDINANCE NO. S-142-86

AN ORDINANCE approving Change Order No. 1 for Resolution #6049-86, Parnell Avenue Widening, with M. A. Gaines Construction Co., Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-08-16)  
SPECIAL ORDINANCE NO. S-143-86

AN ORDINANCE approving the Contract for Resolution #6048-86 - Headwall & Backwater Gate at Gruber Ditch, between the City of Fort Wayne, Indiana and John Dehner, Inc., in connection with the Board of Public Works and Safety

(Bill No. S-86-08-17)  
(as amended)  
SPECIAL ORDINANCE NO. S-144-86

AN ORDINANCE approving the Street Light Contract #180-86 - Wheatridge Addition, Section #1, between the City of Fort Wayne, Indiana and The Weikel Line Co., Inc., in connection with the Board of Public Works and Safety

(Bill No. S-86-08-18)  
SPECIAL ORDINANCE NO. S-145-86

AN ORDINANCE approving the Street Lighting Maintenance Contract for Res. #181-86, between T & F Construction Corporation of Indiana and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

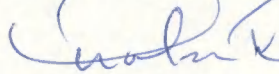
(Bill No. S-86-08-19)  
SPECIAL ORDINANCE NO. S-146-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for Water Contract 85-01, Corline-Monteray, with Hipskind Concrete, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. G-86-08-20)  
(as amended) (as amended) (as amended)  
GENERAL ORDINANCE NO. G-32-86

AN ORDINANCE of the Common Council of the City of Fort Wayne,  
Indiana, amending the Animal Control Ordinance of the City's  
Municipal Code

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Win Moses, Jr.", is written over the "Respectfully yours," text.

Win Moses, Jr.  
Mayor



COMMUNICATIONS FROM THE MAYOR

August 22, 1986

To the Common Council  
Gentlemen and Mrs. Bradbury:

Today, August 22, 1986, I have approved the following Resolution passed by the Common Council at its special meeting of August 19, 1986.

(Bill No. R-86-08-01)  
RESOLUTION NO. R-58-86

A RESOLUTION APPROVING TRANSFER OF REAL ESTATE OWNED BY THE CITY OF FORT WAYNE, INDIANA, TO THE FORT WAYNE REDEVELOPMENT COMMISSION, AND RATIFYING AN AGREEMENT BETWEEN THE CITY, THE FORT WAYNE REDEVELOPMENT COMMISSION, CBD INVESTMENT GROUP, AND WATERFIELD MORTGAGE COMPANY, INCORPORATED

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Win Moses, Jr.", is written over the closing "Respectfully yours,".

Win Moses, Jr.  
Mayor

COMMUNICATIONS FROM THE MAYOR

August 27, 1986

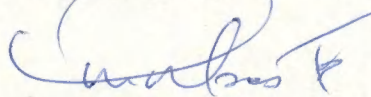
To the Common Council  
Gentlemen and Mrs. Bradbury:

Today, August 27, 1986, I have approved the following Ordinance passed by the Common Council at its special meeting of August 25, 1986.

(Bill No. A-86-08-04)  
APPROPRIATING ORDINANCE NO. A-05-86

AN ORDINANCE appropriating monies for the purpose of defraying the expenses of the several departments of the City Government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1987, and ending December 31, 1987, including all outstanding claims and obligations and fixing a time when the same shall take effect.

Respectfully your,

A handwritten signature in blue ink, appearing to read "Win Moses, Jr.", with a stylized flourish at the end.

Win Moses, Jr.  
Mayor



**The City of Fort Wayne**  
LAND USE MANAGEMENT  
Division of Community Development & Planning

4 September 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-08-29

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of September 1986.

Melvin O. Smith  
Secretary



# Division of Community Development & Planning

BILL NUMBER

## BRIEF TITLE

## APPROVAL DEADLINE

## REASON

Zoning Ordinance Amendment

From R-1 to RA

## DETAILS

### Specific Location and/or Address

2718 Sherman BL

### Reason for Project

Developer proposes to develop a multi-family addition to be known as "Sherman Townhouses".

A six unit 2-story structure.

### Discussion (Including relationship to other Council actions)

18 August 1986 - Public Hearing

The next item for consideration is a request to change from R1 to an RA. The property is better known as 2718 Sherman. The petition involves the construction of Sherman Townhouses. Mr. Eisbart asked for comments in favor of the petition.

Mr. Phil Troyer, Development Design Inc., stated that he was an architect, developer and general contractor. He stated that he felt that this petition was the highest and best use for this piece of property. He stated the adjoining land uses would be compatible with a new apartment development. He stated that he was coming back to the Commission this month because there was some reservations on the Commission's part that an R-3 would allow intensity much greater than what he was proposing. He stated that they were willing to make restrictions to meet those requirements. Some areas of concern were storm drainage and parking. Mr. Troyer stated that they would meet all necessary requirements. His firm has also discussed the issue with the neighborhood association and has their full support.

Mr. Eisbart asked for questions from members. None were raised. He then asked for comments in opposition to this case. None were stated.

The question of water drainage was raised and discussed by Mr. Troyer and members.

Mr. Eisbart asked again for other questions.

Mrs. Lori Lee Waterman, representing the Neighborhood Association, was present to speak in favor of the petition. She stated that she was in favor of the plan as it stands now. We are here to say this is the plan that we are approving. We had talked at the last meeting about the possibility of obtaining a restrictive covenant and we were told that since we were going this route that we did not have to have a covenant. Mrs. Waterman has come back to see if there were any changes to be made. She stated again that the association is in favor of this plan the way that it stands. We are very concerned about the drainage and the parking. We do not like any less than 15 parking spaces because there is no parking on the street.

We have met with City Engineers and walked the area and discussed the drainage problems that exist.

Duane Embury, City Engineer and Chief Water Pollution Control Engineer, stated that the City was aware of the problem and would work with the neighborhood association to try to resolve those

## POSITIONS

## RECOMMENDATIONS

### Sponsor

City Plan Commission

### Area Affected

City Wide

Other Areas

### Applicants/ Proponents

### Applicant(s)

Phil Troyer

City Department

Other

### Opponents

### Groups or Individuals

### Basis of Opposition

### Staff Recommendation

☒ For

☐ Against

Reason Against

### Board or Commission Recommendation

### By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as amended)

☐ Hold

☐ Council Sub.

☐ Do not



# DETAILS

Mrs. Waterman stated that they are trying to make sure that with that drain overflowing already, there is not something else that will cause even more backup. She stated that she had some pictures that she forgot to bring with her tonight that one of the neighbors from across the street on Russell lot drain and the water is about 2 feet all over Russell Street. We were concerned with Sherman more than we were with Russell. Since that meeting, we found out that there is bad drainage on Russell too, so we may have you come back to show that there is a problem there too.

Those are our concerns, as long as he is willing to work with us, we are willing to work with him. I see no problem with the Association's approval. However, I want to stress that we are only approving the plan that was presented to us and not any changes.

Mr. Eisbart asked for anyone to speak in favor of the petition. No additional response was offered. He asked for any opposition to the petition. None was offered. He did ask Mr. Troyer to submit the pictures to Mr. Embury for review.

## 26 August 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven voted in favor of approval one did not vote.

# POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 30 July 1986

Projected Completion or Occupancy

Date 4 September 1986

Fact Sheet Prepared by

Date 4 September 1986

Patricia Biancaniello  
Reviewed by

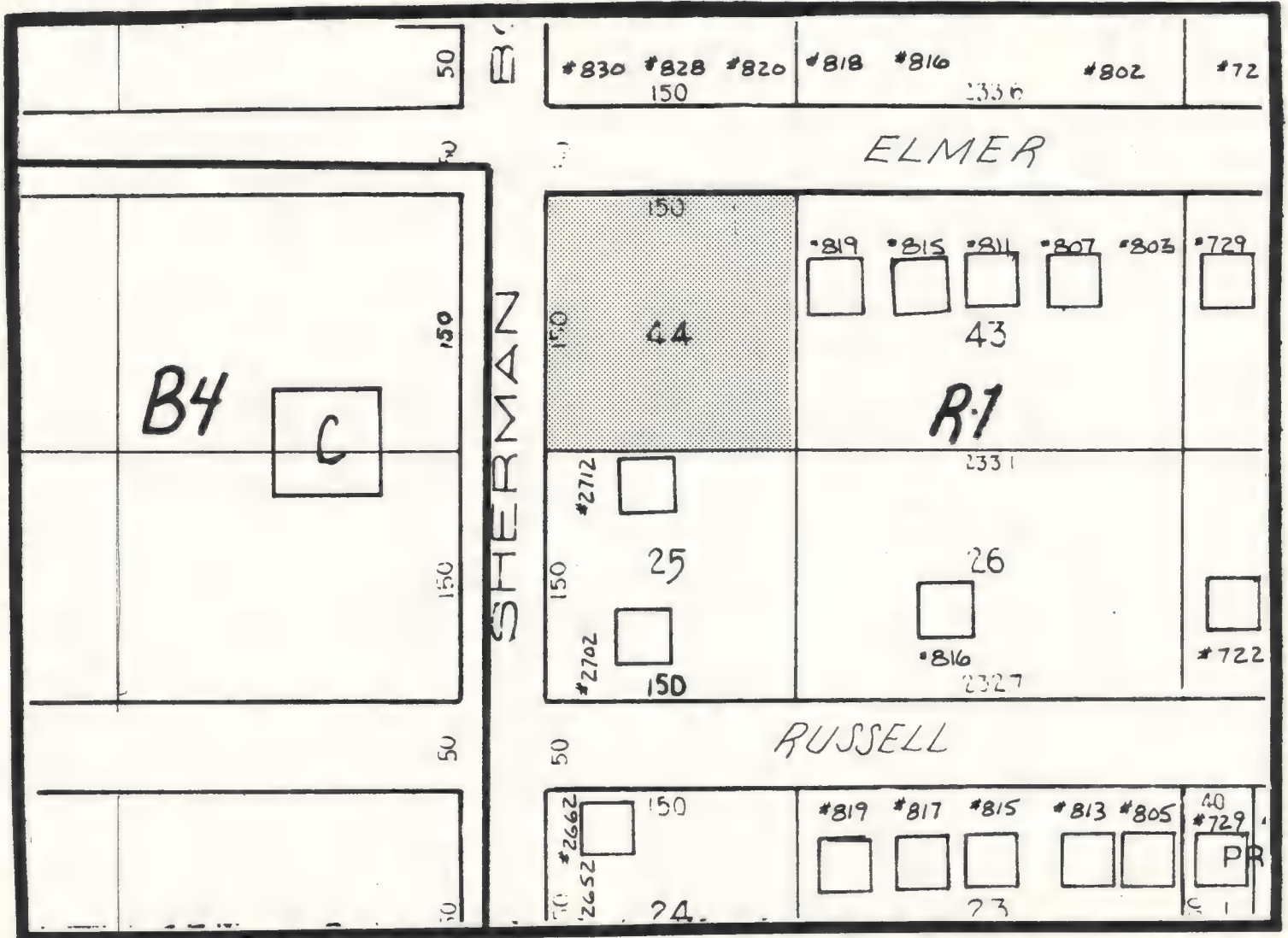
Date 8 September 1986

*Dave Bacter*  
Reference or Case Number

# A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO AN RA DISTRICT

MAP NO. L-18

COUNCILMANIC DISTRICT NO. 3



## ZONING:

R1 RESIDENTIAL DISTRICT  
B4 ROADSIDE BUSINESS

## LAND USE:

☐ SINGLE FAMILY  
☒ COMMERCIAL

SCALE: 1"=100'

DATE: 7-1-86





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 26, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-08-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 18, 1986.

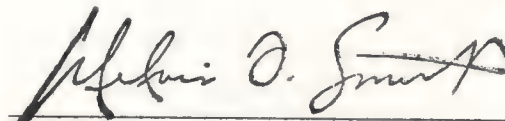
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 25, 1986.

Certified and signed this  
5th day of September 1986.

  
\_\_\_\_\_  
Melvin O. Smith  
Secretary

Proposal: Phillip Troyer, agent for Developmental Design Inc.,  
petitions for a change of zone from R-1 to RA.

Location: 2718 Sherman Blvd.

Legal Description: Lot 44 Archer Heirs Addition

Zoning: R-1

Surroundings:	North	R-1	SFR
	South	R-1	SFR
	East	R-1	SFR
	West	B-4	Commercial

Reason for Request: Multi-family development.

Comprehensive Plan: The General Land Use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

This property is located in a primarily residential area. There is a commercial use to the immediate west, on the opposite side of Sherman Blvd. However, the general uses in the immediate area are of a single family residential nature. It should be noted that most of the residences have small lots. This rezoning would apparently not have a major impact on the surrounding properties, but would set a precedent that may be difficult for the Plan Commission, in reviewing future cases.

The existing commercial use is much less commercial in appearance than might be imagined, and blends into the area fairly well.

Last month the petitioner filed for a change of zone to R-3. The planning staff had recommended denial of that petition because of possible densities, and the other permitted uses that are allowed in the R-3 district.

The petitioner has met with and has received the support of the neighborhood association for this project as proposed. While we are not in support of this rezoning, due to the precedent that would be established, if this is what the citizens really want then this classification would allow Plan Commission control of the site development. The issue of 'spot zoning' is somewhat mitigated due to the use of this parcel as a buffer from the commercial zoning across the street.

Change of Zone #218 Sherman Street cont.

Recommendation: Do Pass

1) Approval of this request will place site development under the Plan Commissions review.





# The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

4 September 1986

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-08-30

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of September 1986.

Melvin O. Smith  
Secretary

# Division of Community Development & Planning

## BRIEF TITLE

Zoning Ordinance Amendment

## APPROVAL DEADLINE

## REASON

M-1 to M-2

## DETAILS

<b>Specific Location and/or Address</b>  3022 Edwards Street
<b>Reason for Project</b>  WITHDRAWN BY PETITIONER
<b>Discussion (Including relationship to other Council actions)</b>  

## POSITIONS

## RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Area
<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> Lloyd Baumgartner City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b>  Basis of Opposition
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	<b>By</b>  <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 16 July 1986

**Projected Completion or Occupancy**

**Date** 4 September 1986

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

*Larry Dactin*  
**Reference or Case Number**

**Date**

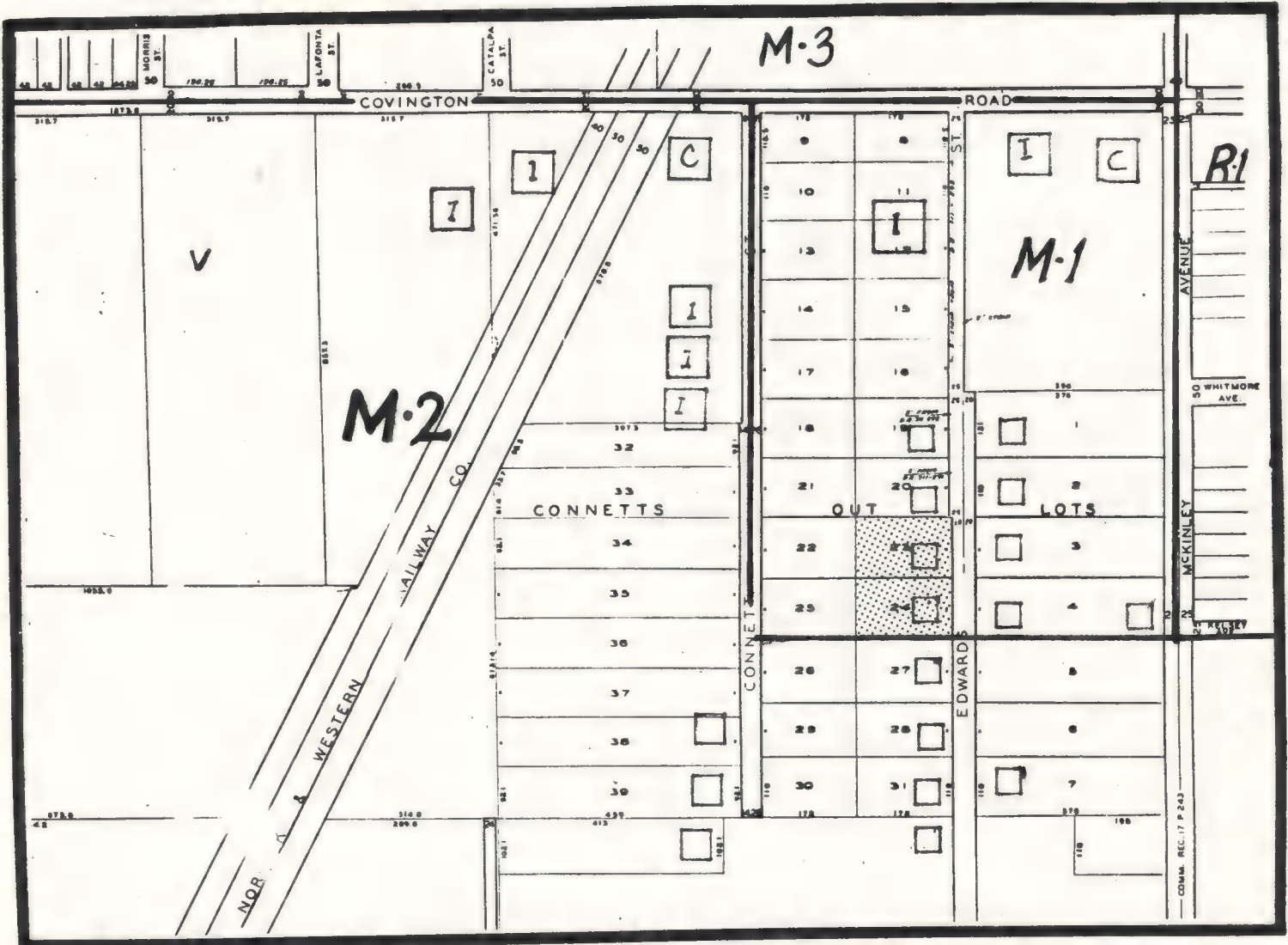
*8 September 1986*



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A M-1 TO A M-2 DISTRICT.

MAP NO. 1-7

COUNCILMANIC DISTRICT NO. 4



## ZONING:

- R1 RESIDENTIAL DISTRICT
- M-1 LIGHT INDUSTRY
- M-2 GENERAL INDUSTRY
- M-3 HEAVY INDUSTRY

## LAND USE:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL
- ☐ INDUSTRIAL

SCALE: NOT TO SCALE

DATE: 7-31-86



I Wish TO WITHDRAW  
ZONING AMENDMENT # 216  
LOCATED AT 3022 EDWARDS STREET

Lloyd A Baumgartner



# The City of Fort Wayne

LAND USE MANAGEMENT  
Division of Community Development & Planning

5 September 1986

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-07-25

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
5th day of September 1986.

Melvin O. Smith  
Secretary



# Division of Community Development & Planning

BILL NUMBER

## BRIEF TITLE

Zoning Ordinance Amendment  
R-3 to B1B

## APPROVAL DEADLINE

## REASON

### DETAILS

#### Specific Location and/or Address

East side of Crescent Avenue where it intersects with North Anthony Bl.

#### Reason for Project

To allow for development of a strip shopping center.

#### Discussion (Including relationship to other Council actions)

#### 21 July 1986 - Public Hearing

William Swift, attorney representing the owners appeared before the Commission. Mr. Swift stated that the present owner wants to sell this property to the present owner of the adjoining property, which is the Hazelwood Shopping Center for the purpose of expanding the center. He stated that the B-1-B zoning would permit a strip center, similar to the one that is there. He stated that there are restrictive covenants on the property since it is in a platted subdivision. He stated that they have obtained the necessary approvals of the neighbors there and owners of the lots in Paramount Place Addition to amend the covenants. He stated that in the amendment they have stated that all restrictive covenants would be amended on just 43 through 48 inclusive and they would also consent to the expansion of the Hazelwood Park Retail Center and they would consent to the rezoning of the lots to B-1-B. Mr. Swift stated they have no problem with any of the staff recommendations as stated in the staff analysis, with the exception that No. 2 under conditions states that the "existing Hazelwood Center access should be used - no access on Crescent Avenue should be permitted". He stated that if the proposed purchaser does not but this and you have a separate retail center they may have trouble getting to the property. He stated that perhaps the condition should read with that the access should be limited to whatever is approved by Traffic Engineering. He submitted a site drawing of the area to the Commission done by Alan Grinsfelder, architect. He stated that they have taken a lot of thought when protecting the residential character of the surrounding neighborhood. He stated that they have screened the south end and the site plan is set up so that the truck traffic will be to front, rather than to the rear of the retail stores. Mr. Swift stated that the property presently is an eyesore. He stated that it is a vacant lot immediately south of the existing plaza.

Edith Kenna questioned how large the property was.

Mr. Swift stated it is 1.06 acres.

Ms. Kenna questioned if Traffic Engineering has given comments on this development. Ms. Kenna stated that she felt the access to the center is terrible.

V.C. Seth stated that there are no comments from Traffic because there is no development plan. He stated if the property is rezoned it will have to be commercially routed at that time Traffic Engineering will have their input.

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

Rosemary Carley  
Glen Crowell, Jr.  
City Department

Other

#### Opponents

#### Groups or Individuals

Area Residents

Ray Racine

#### Basis of Opposition

-would increase traffic congestion

-reduce property values

#### Staff Recommendation

☒ For ☐ Against

Reason Against

#### Board or Commission Recommendation

#### By

☐ For ☒ Against

☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not

## DETAILS

Mr. Swift stated that the entire intersection is being redesigned.

Alan Grinsfelder, architect, stated that last year when he started to do the site of the area he met with Walt Stout and Walt Borcharding of Traffic Engineering and Street Engineering, respectively. He stated that they gave him the drawing of the redesign of this intersection. He stated that they showed the plan that was presented to the Commission to Mr. Stout and Mr. Borcharding. He stated he would not say that it received 100% approval from them, but they felt it was probably the best solution that they could see. He stated that in the redesign of that intersection the access off of Hazelwood was to be closed and the access that is there now - there was another access north of that on Crescent Avenue - and they were trying to get a location that would serve both the curvature of the street that they are proposing and still give access to the site.

Herman Freidrich questioned if Hazelwood was not their only access.

Mr. Grinsfelder stated no - there is also access from Crescent Avenue.

Edith Kenna questioned when the redesigning of the intersection would take place.

There was no date or time frame given. It was stated that it was a State Highway project.

Ben Eisbart stated that he felt Mr. Grinsfelder meet with Walt Stout, Director of Traffic Engineering and see if they could iron out any concerns that had been raised that evening.

### OPPOSITION:

Glen Emley, attorney for the residents of 3110 Crescent Avenue and 3025 North Anthony Bl. He stated that his clients objected to the rezoning. He stated that his clients did not want anymore commercial traffic in the area. He stated that his clients felt there was more than a sufficient amount of commercial development in the area. He stated that they are quite concerned that more commercial development will reduce their property value. He also presented the Commission with a remonstrance signed by 94 of the area residents in opposition to the rezoning.

Barbara Hanna, 1924 Hazelwood  
Ray Racine, with Northside Neighborhood Association:

appeared before the Commission in opposition to the rezoning stating similar reasons of those presented by Mr. Emley and singling out the traffic problem in the area as one of the major concerns of rezoning this property for a retail strip center.

Ben Eisbart stated that it might help if Mr. Emley meet with Mr. Swift and take along any of the concerned area residents and discuss the proposal that Mr. Swift's client have. He stated they should do this prior to the Business Meeting on the 28th, and if the Commission sees a need they can continue the case to a later date.

**Project Start**

**Date** 20 June 1986

**Projected Completion or Occupancy**

**Date** 5 September 1986

**Fact Sheet Prepared by**

**Date** 5 September 1986

Patricia Biancaniello

**Reviewed by**

**Date**

*Gary Baetz*  
**Reference or Case Number**

*8 September 1986*

## POLICY/PROGRAM IMPACT

**Policy or  
Program  
Change**

☐ No

☐ Yes

**Operational  
Impact  
Assessment**

(This space for further discussion)

Mr. Swift stated in rebuttal that the center that they have proposed will of course generate traffic, but not anymore than the area can handle. He stated that as far as he was aware the intersection restructuring is to take place within the next construction season. He stated that they have not just sprang this idea on the area. He stated that they have had people in the area for the last 16 months willing to talk to the residents about the proposal, to show them the plans, discuss the things they would do in order to protect the residential character of the neighborhood. He stated that he is more than willing to meet with the area residents prior to the Business Meeting on the 28th.

There was no one present who wished to speak in favor of or in opposition to the proposed request.

25 August 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendaiton, motion carried.

Of the eight members present 7-voted in favor of denial 1-did not vote.

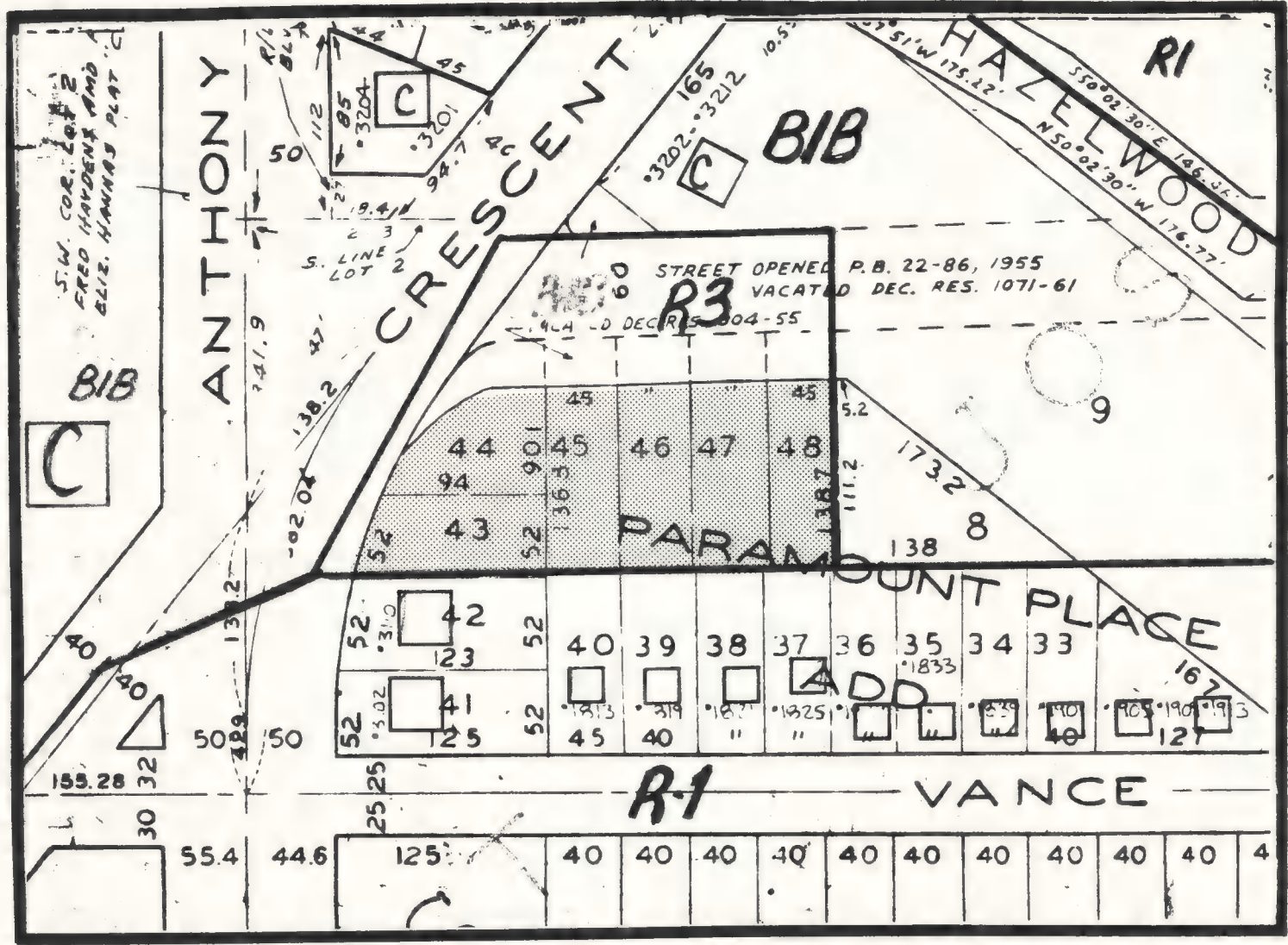


REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-3 DISTRICT TO AN B-1-B DISTRICT.

MAP NO. P-22

COUNCILMANIC DISTRICT NO. 2



**ZONING:**

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- BIB LIMITED BUSINESS 'B'

**LAND USE:**

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=163'

DATE: 7-1-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 21, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

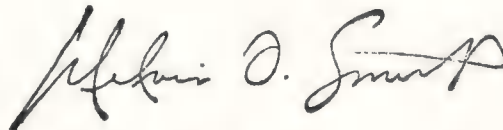
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 25, 1986.

Certified and signed this  
5th day of September 1986.



---

Melvin O. Smith  
Secretary



Proposal: William Swift, agent for the petitioners, requests a change of zone from R-3 to B-1-B.

Status: A rezoning petition.

Location: 3100 Block of Crescent

Legal Description: Lots 43 through 48 in Paramount Place

Zoning: R-3

Surroundings:	North	R-3 & B-1-B	Commercial
	South	R-1	Residential
	East	B-1-B	Commercial & open ground
	West	B-1-B	Commercial

Comprehensive Plan The General Land Use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

The property referenced in this petition is currently bare ground, located at the intersection of Anthony and Crescent. This ground has been vacant for some time, as the desirability of this property for residential uses is apparently severely impacted by the traffic flow in the general area.

The intent of the petitioner is to develop a commercial area, as an enlargement to the existing shopping plaza. Apparently the petitioners have the consent of the surrounding property owners. We see no objections to this proposal. However, we would like to buffer this area from the existing residential uses to the immediate south by means of a landscape screen and limit access for existing access to Hazelwood Center.

The B-1-B designation does not require Plan Commission approvals on the actual site plan. However, any new commercial construction (as this development would be) does require review and approvals through the established "Routing Committee" procedure.

Recommendation: **Conditional Approval**

Conditions:

1. Contingent upon the developer submitting a landscape plan for a 6 foot high buffer area to be planted along the south property

Change of Zone #210  
21 July 1986

Page two

lines.

2. Existing Hazelwood Center access should be used - no access on Crescent Avenue should be permitted.



The City of Fort Wayne  
LAND USE MANAGEMENT  
Division of Community Development & Planning

4 September 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

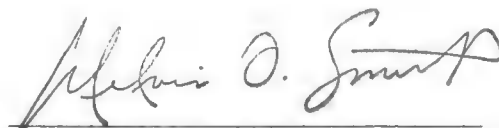
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-07-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of September 1986.

  
\_\_\_\_\_  
Melvin O. Smith  
Secretary

# Division of Community Development & Planning

BILL NUMBER

## BRIEF TITLE

Zoning Ordinance Amendment

## APPROVAL DEADLINE

## REASON

County RS-1 to RA

## DETAILS

### Specific Location and/or Address

A parcel of land located south of and adjacent to Southtown Mall.

### Reason for Project

The development of an apartment complex consisting of twenty-seven 2½ and 3-story buildings, each housing between 24 and 36 units.

### Discussion (Including relationship to other Council actions)

18 August 1986 - Public Hearing

The next item on the agenda was an item deferred from the July session regarding Bill #Z-86-07-02, a change of zone from an RS-1 to an RA which is a parcel located south of Southtown Mall. The agent for Edward Rose of Indiana, Jerry Speedy, was present to

explain his views on the case. The prospective owners of the property were also present. Mr. Speedy showed members a map illustrating the surrounding area, a site inventory and a site plan. He explained the proposed use of the land should it be rezoned. Exact building measurements and specifications were discussed. Questions from the members about water saving devices were answered. Members were requesting that the developers get DNR approval. It was stated that 1,470 people will reside in the community when it is fully developed. Information on tax rates and school systems was given to members. Mr. Martin asked if the developer had received staff comments on the case.

Mr. Jim Jackameyer stated that he was located south and east of the property. He was in opposition to the proposal for the following reasons: a) he was not told of the meeting. Staff informed him that the meeting was posted outside the property and in the newspaper in July; b) he was concerned about the water problem in that area. These water problems were discussed. Mr. Jackameyer stated that he would like to see the site plan for this area. He asked about increased traffic volume. This question was addressed in the staff comments.

Mr. Eisbart asked for other comments for or against the petition.

Mr. Tom Shank from Hanna Street spoke to ask who would pay for the improvements to the street. Mr. Eisbart stated that the developers would pay for the improvements to the street.

Mr. Eisbart asked for other comments. None were offered. Members asked further questions of Mr. Speedy about the project.

Mr. Eisbart stated that no decision would be taken at this time.

## POSITIONS

## RECOMMENDATIONS

### Sponsor

City Plan Commission

### Area Affected

City Wide

Other Areas

### Applicants/ Proponents

### Applicant(s)

Merak Construction  
City Department

Other

### Opponents

### Groups or Individuals

Jim Jackameyer  
Tom Shank

### Basis of Opposition

- additional water problems in form of runoff
- added traffic congestion

### Staff Recommendation

☒ For ☐ Against

Reason Against

### Board or Commission Recommendation

### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

26 August 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the CONDITION:

"the property be annexed prior to granting a change of zone",

motion carried.

Of the eight members present, 7 voted in favor of approval and one did not vote.

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 20 June 1986

**Projected Completion or Occupancy**

**Date** 4 September 1986

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** 4 September 1986

**Reviewed by**

*Gary Baxter*

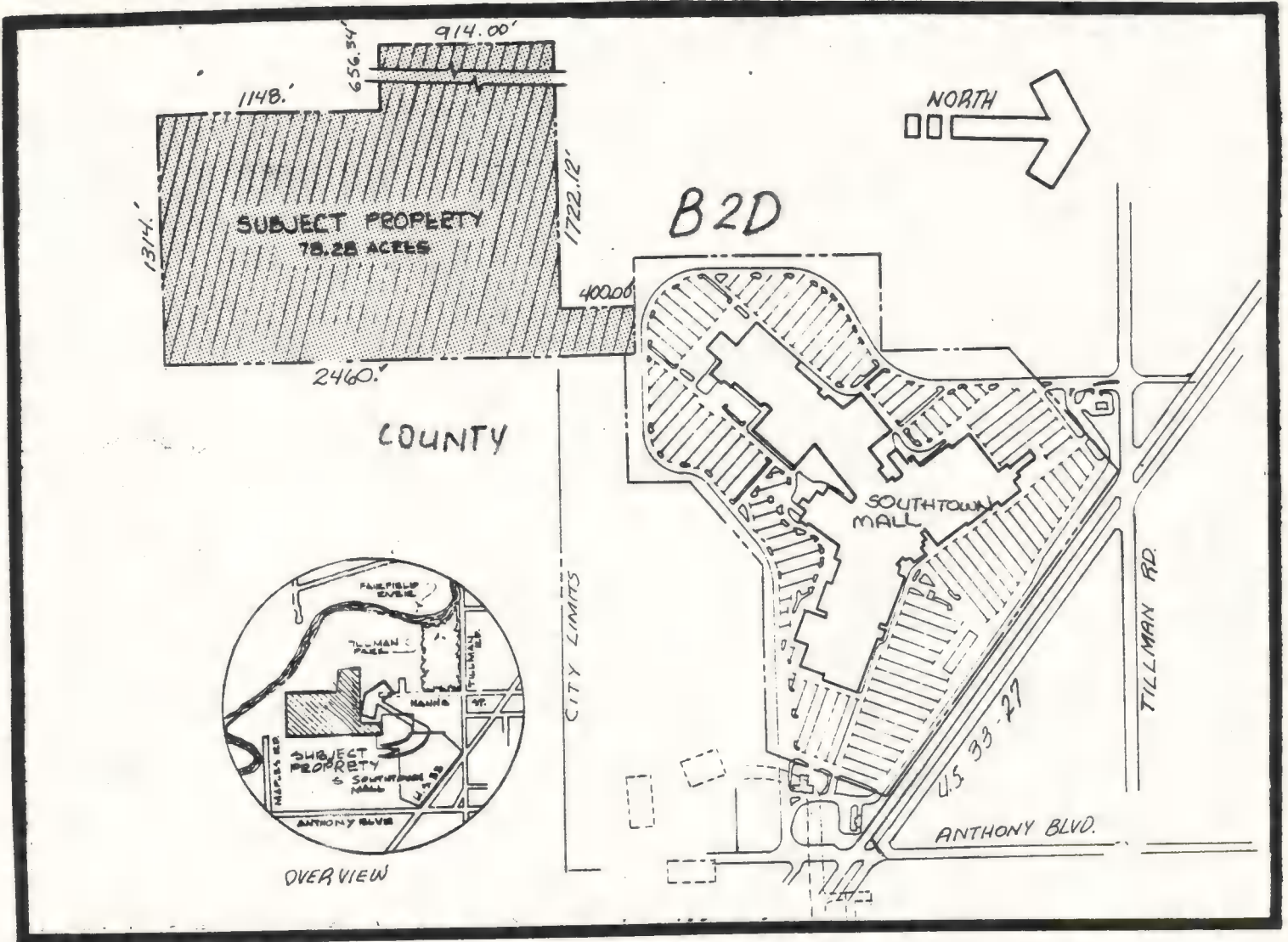
**Date** 8 September 1986

**Reference or Case Number**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING  
THE DESCRIBED PROPERTY FROM AN RS-1 DISTRICT TO AN R-A DISTRICT

MAP NO. N-31, N-35, O-31, O-35

COUNCILMANIC DISTRICT NO. 5



**ZONING:**

**LAND USE:**

B2D REGIONAL SHOPPING CENTER

COMMERCIAL

**SCALE:** NOT TO SCALE

**DATE:** 7-1-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 22, 1986.

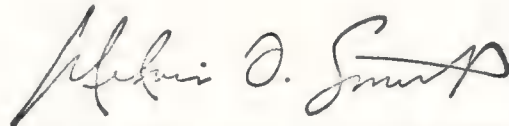
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting with the Condition that the property be annexed prior to granting a change of zone.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 25, 1986.

Certified and signed this  
8th day of September 1986.



---

Melvin O. Smith  
Secretary



**Proposal: The MERAK Corporation petitions for a rezoning from RS-1\* to RA**

Status: A rezoning petition of a parcel of ground currently located in the county.

Location: This parcel is 78.28 acres, located, more or less to the south of the existing Hanna Street, and south of the existing Southtown Mall.

Legal Description: See file

Zoning: RS-1 (See staff discussion)

Surroundings:	North	B2D	Southtown Mall (retail)
	South	County	residential
	East	County	open & residential
	West	RA	Park

Comprehensive Plan The General Land Use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

The goal in the South Sector, where this request is located, is to actively encourage development.

**Planning Staff Discussion:**

This is a proposed rezoning is located to the south of Southtown Mall. It is currently located in the county. However, the Allen County Plan Commission and the Allen County Board of Commissioners have granted extra-territorial planning jurisdiction to the Fort Wayne Plan Commission. The developer has also requested a voluntary annexation, contingent upon approval of this development plan, and has applied for rezoning from the annexed designation of RS-1 to RA.

If this property is annexed into the City of Fort Wayne, it would most likely be annexed into the R-1 designation. This classification would not permit multi-family uses. As the developer is proposing an apartment complex, they would need a RA designation.

We have no objection to the petition, providing that the parcel is actually annexed.

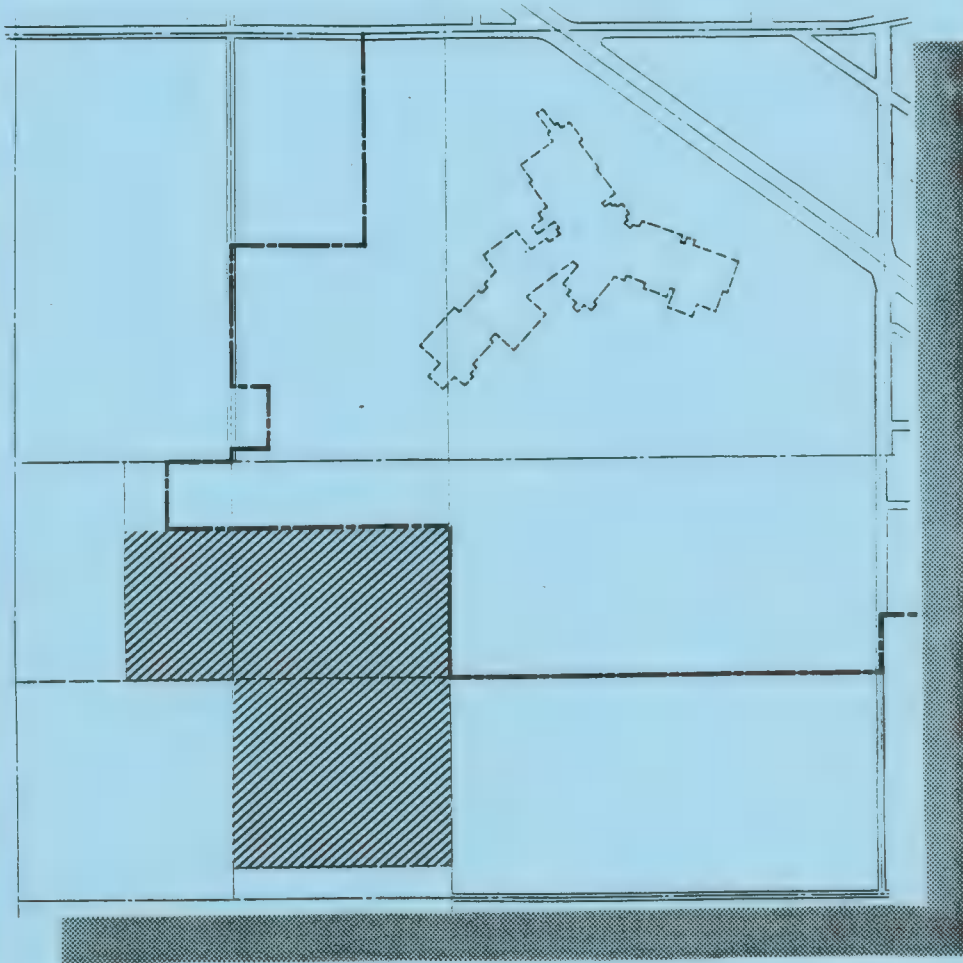
Recommendation: **Conditional Approval**

Contingent upon the property being annexed into the City.

# ANNEXATION FISCAL PLAN

CITY OF FORT WAYNE  
WIN MOSES, JR., MAYOR

Merak



ADMINISTRATION AND POLICY DIRECTION

Win Moses, Jr.  
Mayor  
City of Fort Wayne

Greg Purcell  
Director  
Division of Community Development and Planning

V.C. Seth, AICP  
Director of Planning

Fort Wayne City Plan Commission  
Benjamin Eisbart, President  
Edith Kenna, Vice-President  
Melvin Smith, Secretary  
Duane Embury  
Herman Friedrich, Jr.  
Robert Hutner  
Stephen Smith  
John Shoaff

RESEARCH AND PREPARATION

Michael Graham, Senior Planner  
Robert Woenker, Planner II



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## INTRODUCTION

On June 23, 1986 the Division of Community Development and Planning received a petition from Merak Corporation for the annexation of approximately 76 acres of undeveloped land southwest of Southtown Mall Shopping Center. An 822 unit multi-family residential development has been proposed for the area subsequent to annexation.

The Merak Annexation satisfies the criteria of the Indiana State Statutes. This plan describes the area to be annexed; sets forth a plan to provide municipal services; and summarizes the financial impact of annexation upon the City.

## SECTION ONE

### BASIC DATA

#### A. Location

The area petitioning for voluntary annexation is bounded on the north by the existing Fort Wayne city limits, on the east by the north-south centerline of Section 36 and on the south and west by certain property lines. (See Location Map - Figure Page 2)

#### B. Size

The Merak Annexation contains approximately 76 acres.

#### C. Population

The population of the annexation area is 0 and there are no residential structures in the area.

#### D. Land Use

Presently the land is vacant, but plans have been submitted for multi-family residential development of the area.

#### E. Zoning

The Merak Annexation area has only one zoning classification: RS-1 (Suburban Residential). Upon annexation, this area will be under the jurisdiction of the City Plan Commission and will be classified R1 (Single Family Residence District). The petitioner has filed for a zoning change from R-1 to RA for the property.

#### F. Assessment

\$9,700

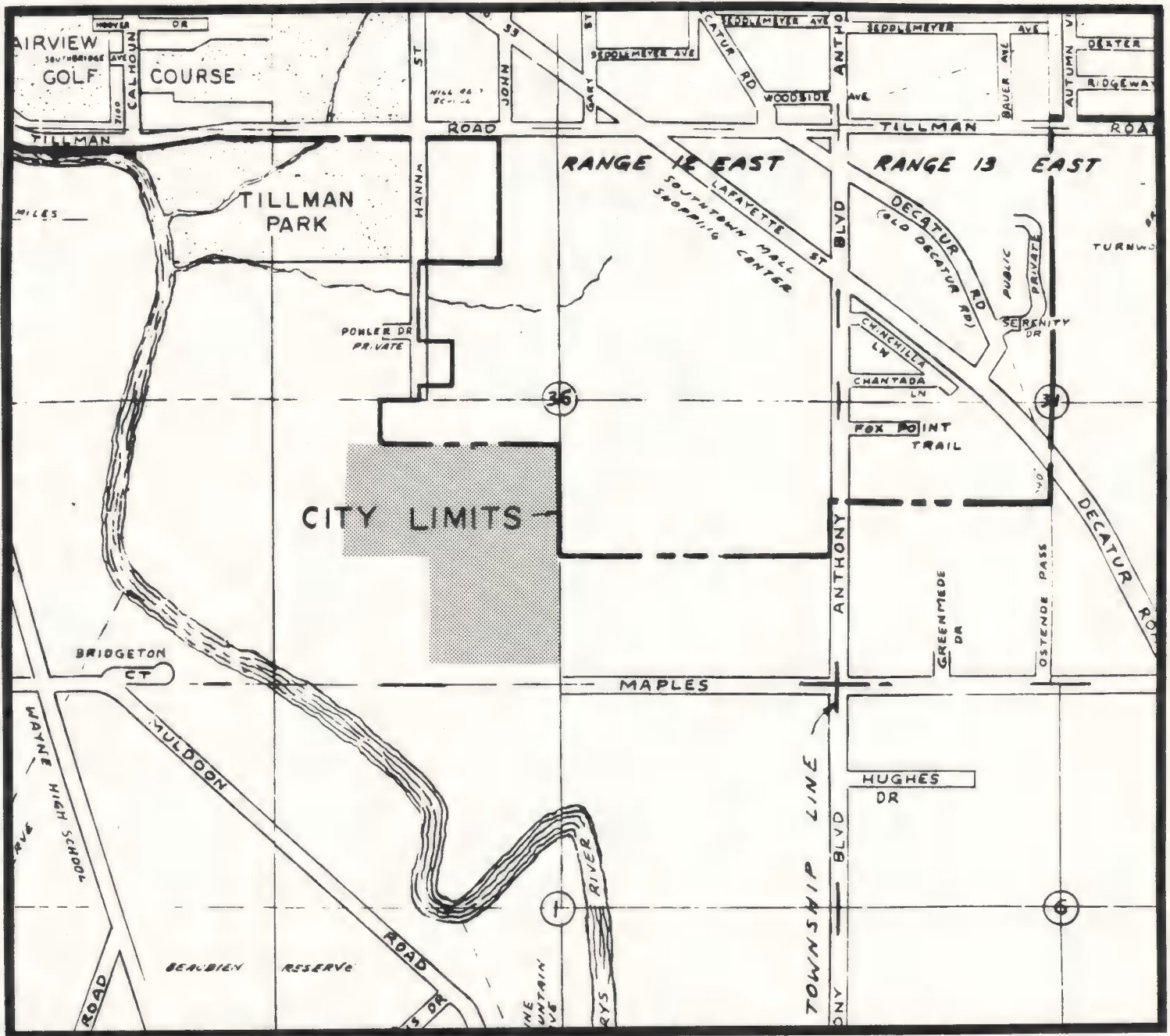
#### G. Tax Rate

Existing \$7.0077	After Annexation \$9.9146	Increase 2.9069 or 41.5%
-------------------	---------------------------	-----------------------------

#### H. Council District

The annexation area will be in City Council District 5.





location

## SECTION TWO

### THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of the Merak area is part of a larger, comprehensive annexation program that was promulgated in a report prepared by the Department of Community Development and Planning in 1975 and which was subsequently updated in 1976. The Annexation Policy and Program Study was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City Limits should become part of the City" as should "all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth". Because the Merak area met this criteria in 1975-76, the report identified it as part of a larger area, WAY-3, which was recommended for annexation.

### SECTION THREE - STATE LAW REQUIREMENTS

State law stipulates that if an area is one-eighth contiguous to the City, it can be annexed voluntarily if 51% of the property owners in the territory sought to be annexed, or owners of 75% of the total assessed value of the land petition for an ordinance annexing the area.

The area meets the contiguity requirements in that it is over one eighth contiguous to the City of Fort Wayne, being 32.6% contiguous to city boundaries.

The area also meets the second requirement, as 100% of the property owners in the area have petitioned for annexation.

Therefore, the Merak Annexation complies with the relevant state law requirements.



## SECTION FOUR

### MUNICIPAL SERVICES

This section of the Fiscal Plan forecasts the costs and methods of financing services for the Merak Annexation area. The Plan also describes how and when the City plans to extend the services of non-capital and capital improvement natures. As will be seen, the explanations of the above provisions satisfy the requirements of Indiana state law.

Presently, the Merak Annexation area is undeveloped. As a result, it is impossible to predict the exact amount of municipal services that will be needed after the area is developed. However, once the area is developed, a sufficient amount of revenue will be generated through tax revenue to provide the additional municipal services that the developed area will need.

The municipal services described in this section are analyzed according to the present needs of the Merak Annexation area, along with the costs of providing these services and the funding sources. As required by state law, the annexation area will be treated equally with other City areas and will receive urban services in the same manner as other areas within the City. However, because the City does not employ different service standards for different areas of the City, the annexation area is compared with the service standards as they exist for the entire City. The City of Fort Wayne will provide services of a non-capital nature, including police and fire protection, emergency medical service, traffic control, and street and road maintenance within one year after the effective date of annexation. The water, sewer, and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant state law and utility policies.

#### A. Police

The services provided by the Fort Wayne Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, resolution of day-to-day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is involved in legal work, such as participation in court proceedings and protection of constitutional rights. It is also responsible for the control of traffic and the promotion and preservation of civil order.

District 9 will be expanded to cover the Merak Annexation area upon annexation. The Police Department keeps tabulation on the percentage of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel are not required for this particular annexation.

Because this area is presently undeveloped, the costs to provide police protection to the Merak Annexation area will be minimal.

ESTIMATED ANNUAL COST: \$0

B. Fire Department

The Fort Wayne Fire Department will be responsible for providing fire protection services to the Merak Annexation area within one year after the annexation date. The services provided include fire protection and suppression, emergency rescue, fire prevention, and fire inspections. Primary response will come from Station 12 located at 5300 South Anthony Boulevard. Backup response will come from Station 11 located at 405 E. Rudisill Boulevard and Station 9 at 2530 Pontiac Street.

This particular annexation will not require a new fire station nor will it require additional personnel and equipment. The only additional expense that is expected will be from operating costs for such items as postage, printing, photography, and gasoline. However, the operating costs will be minimal considering the Merak Annexation area will be only a fraction of the total area serviced by the City. Funding for the operating costs will come from the Fire Department budget through the General Fund.

ESTIMATED ANNUAL COST: \$0

C. Emergency Ambulance Service

At the present time, the Three Rivers Ambulance Authority is the only provider of ambulance service for the City of Fort Wayne. The Merak Annexation area may receive full advanced life support ambulance service immediately upon annexation.

Using service run records of the past several years, as many as six ambulances will be stationed at different locations throughout the community. Upon receiving a request for service from the annexation area, the ambulance closest to the area will be dispatched to the annexation area. In addition, for some emergencies, such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from Station 12 located at 5300 South Anthony Boulevard. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician on duty at all times.



The method of financing emergency medical services is based primarily on user fees plus a small, decreasing City tax subsidy, which over the next few years should drop to zero, leaving user fees as the sole financial support of the system. The charges for ambulance service, as of May 1, 1986 are shown in Table 1.

TABLE 1

EMERGENCY AMBULANCE SERVICE

1. \$95 plus \$3 per loaded mile for non-emergency transfers scheduled 24 hours in advance.
2. \$120 plus \$3 per loaded mile for non-scheduled non-emergency transfers.
3. \$359 for all emergencies (for City residents)
4. \$380 for all emergencies (for non-City residents)

This method of financing permits emergency medical service to be extended to the annexation area with its existing budget and no additional manpower or equipment will be needed to service the annexation area.

ESTIMATED ANNUAL COST: \$0

D. Solid Waste Disposal

The City of Fort Wayne provides garbage collection for residential customers immediately after the annexation date. This area is serviced by National Serv-all at the rate of \$33.96 per household per year. Collection service is financed by the City's Garbage Disposal Fund which comes from the General Fund. With no residential customers presently in the area, there is no annual cost to be estimated.

ESTIMATED ANNUAL COST: \$0

E. Traffic Control

The City's Traffic Engineering Department will assume responsibility for traffic control in the annexation area within one year after the annexation date. Some of the services that can be provided by the department are surveys and investigations of traffic conditions and problems. The department also provides installation and maintenance of traffic control devices such as stop lights, control signs, and fire alarm systems. Since there are no roads in the annexation area at this time, there will be no traffic control costs associated with the annexation.

ESTIMATED ANNUAL COST: \$0



F. Streets and Roads

The incorporation of the annexation area will not add any streets to the City's street system. However, the Street Department will provide engineering services and construction supervision for all streets, alleys, and sidewalks that will be constructed within the proposed annexation area and will provide snow and ice removal and surface maintenance after construction. The provision of these services to the annexation area will not require any additional personnel or equipment, and they will be similar to those services already provided to the rest of the City. The source of funding for street maintenance is the Street Department budget which is composed of funds from Motor Vehicle Highway (MVH), Federal Aid Urban (FAU), and Local Arterial Roads and Streets (LARS) programs.

ESTIMATED ANNUAL COST: \$0

G. Parks

Future residents of the annexation area will have access to city park facilities such as swimming pools, baseball diamonds, picnic facilities, golf courses, indoor and outdoor skating facilities, etc. No new park facilities will need to be developed for the Merak Annexation area. Residents will be in close proximity to Tillman Park, a 70 acre community park.

ESTIMATED ANNUAL COST: \$0

H. Water

Upon annexation, the Fort Wayne Water Utility will not immediately provide water to the area. Petitions would need to be submitted to the Board of Public Works requesting main extensions.

ESTIMATED ANNUAL COST: \$0

I. Fire Hydrants

The City of Fort Wayne pays the Fort Wayne Water Utility \$181.50 annually for each fire hydrant located within the City. However, presently there are no fire hydrants in the annexation, so the above fee is not applicable.

ESTIMATED ANNUAL COST: \$0

J. Sanitary Sewers

The Fort Wayne Department of Water Pollution Control (WPC) has the capability of extending service into the area upon petition by the property owners. If property owners petition for sewers, they will have to pay for their installation.

ESTIMATED ANNUAL COST: \$0

K. Storm Sewers

Upon annexation the Department of Water Pollution Control will not consider capital improvements for storm sewers unless petitioned by the property owners of the annexation area. It is the City's policy that the financing of storm sewers be the responsibility of property owners.

ESTIMATED ANNUAL COST: \$0

L. Street Lighting

The Street Lighting Department will be responsible for maintaining and operating street lights in the annexation area. However, at present there are no street lights in the area. Therefore, there will be no cost for street lighting services.

ESTIMATED ANNUAL COST: \$0

M. Administrative Services

All administrative functions of the City will be available to the Merak Annexation Area within one year of the annexation date. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, the City Clerk's Office, the Citizen's Advocate Office, etc. General administration includes all of the regulatory and program functions of the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services cannot be directly related to the size or population of an area. Consequently, this plan does not include cost estimates. However, the budgets of these departments are prepared with the expectation that the City will annex several areas during the budgetary period. Therefore, expansion of administrative functions is possible. Funding comes from a variety of sources, including the General Fund, the State, and the Federal government.

ESTIMATED ANNUAL COST: \$0

## SECTION FIVE

### FINANCIAL SUMMARY AND RECOMMENDATION

The purpose of this section is to report the expenditures from the proposed Merak Annexation. This section will also provide a five-year summary of the expenditures compared with the revenues. It should be noted that the following financial projections do not reflect the expenditures and revenues that will be generated from the expected development in the Merak Annexation area.

#### A. REVENUES

Property taxes are the main source of revenue to be received from the Merak Annexation area. Property taxes are computed from the gross amount of assessed valuation in the area which can be obtained from the office of the Adams Township Assessor. The formula for computing tax revenue is shown in Table 2.

TABLE 2

	$\frac{V-E}{100}$	(T)	=	TR
WHERE:	V	=		Assessed Valuation
	E	=		Home Mortgage Exemption (\$1,000)
	T	=		Tax Rate Difference
	TR	=		Tax Return

#### TAX REVENUE FORMULA

The total assessed valuation of the proposed Merak Annexation is \$9,700. Therefore, \$9,700 is then computed with the City's present tax rate less that part the residents are presently paying (the tax rate as shown in Table 3, is 3.9039). The computation equals \$361.00 in property tax revenues. Finally, a 20 percent individual tax credit is deducted from this figure. Therefore, the total amount of property tax revenue that will be paid by residents of this area will be \$289.00. The 20 percent deduction will be returned to Fort Wayne by the state with revenues raised by the state sales tax. The total revenues received by the City from this annexation will be \$361.00 when the property tax relief revenues from the state are received.



TABLE 3

Corporation General	\$2.5270
Redevelopment General	.0109
Sewer Fund	.0224
Corporation Bond	.3511
Fire Pension	.2167
Police Pension	.1797
Park General	.3952
Sanitary Officers Pension	.0200
Public Transportation	.1183
Public Transportation Bond	.0626
	<hr/> 3.9039

## TAXING DISTRICT RATE

B. EXPENDITURES

Expenditures which were reported in the section on Municipal Services are summarized in Table 4. Capital costs are separated from operating costs, and they are considered as maximum expenditures. Since the needs of the annexation area must be treated equally with the needs of other areas in Fort Wayne, capital improvement projects such as the installation of streets, curbs, and sidewalks must follow routine city procedures which often require petitioning. Utility costs are not reported here as they are paid for by the property owners, and only after they request the improvements.

TABLE 4

	CAPITAL COSTS	OPERATING COSTS
Police Department	\$ .00	\$ .00
Fire Department	.00	.00
EMS	.00	.00
Solid Waste Disposal	.00	.00
Traffic Control	.00	.00
Streets	.00	.00
Street Lighting	.00	.00
Parks	.00	.00
Water	.00	.00
Fire Hydrants	.00	.00
Sanitary Sewer	.00	.00
Storm Sewer	.00	.00
Administrative Functions	.00	.00
	<hr/>	<hr/>
TOTALS	\$ .00	\$ .00

## EXPENDITURES



C. FIVE YEAR SUMMARY

The Five Year Summary shows the projected expenditures compared with the tax revenues expected in the Merak Annexation area for the first five years after it is incorporated into the City of Fort Wayne.

The summary automatically includes for each of the five years a 3.8 percent inflation factor for municipal expenditures, and a 5 percent increase factor for City revenues. The 3.8 percent inflation factor is the rate of inflation from October 1984 to October 1985 as calculated by the U.S. Department of Labor. The revenue factor is derived from the percent increase of assessed valuation in Indiana. This increase is applied to the City's allowed levy ceiling.

Table 4 includes both capital and operating costs in the estimated first year expenditures. Capital costs are a one time expenditure to upgrade the proposed annexation area.

Property tax revenue from the annexation area will not be collected until 1988. Assuming the area is annexed in 1986, assessment will not occur until March of 1987, with revenues being collected in 1988.

TABLE 5

	EXPENDITURES	PROPERTY TAX REVENUE	BALANCE
1987	\$ .00		
1988	.00	\$ 379.00	\$ 379.00
1989	.00	398.00	398.00
1990	.00	418.00	418.00
1991	<u>.00</u>	<u>439.00</u>	<u>439.00</u>
Total	\$ .00	\$ 1,634.00	\$1,634.00

REVENUES MINUS EXPENSES

D. RECOMMENDATION

This Fiscal Plan which meets the state law requirements that a fiscal plan be prepared, shows that the Merak Annexation is in accordance with the applicable state statutes. Therefore, it is recommended that after the passage of the annexation ordinance, this area should be annexed by the City of Fort Wayne sixty days after the second newspaper notice.

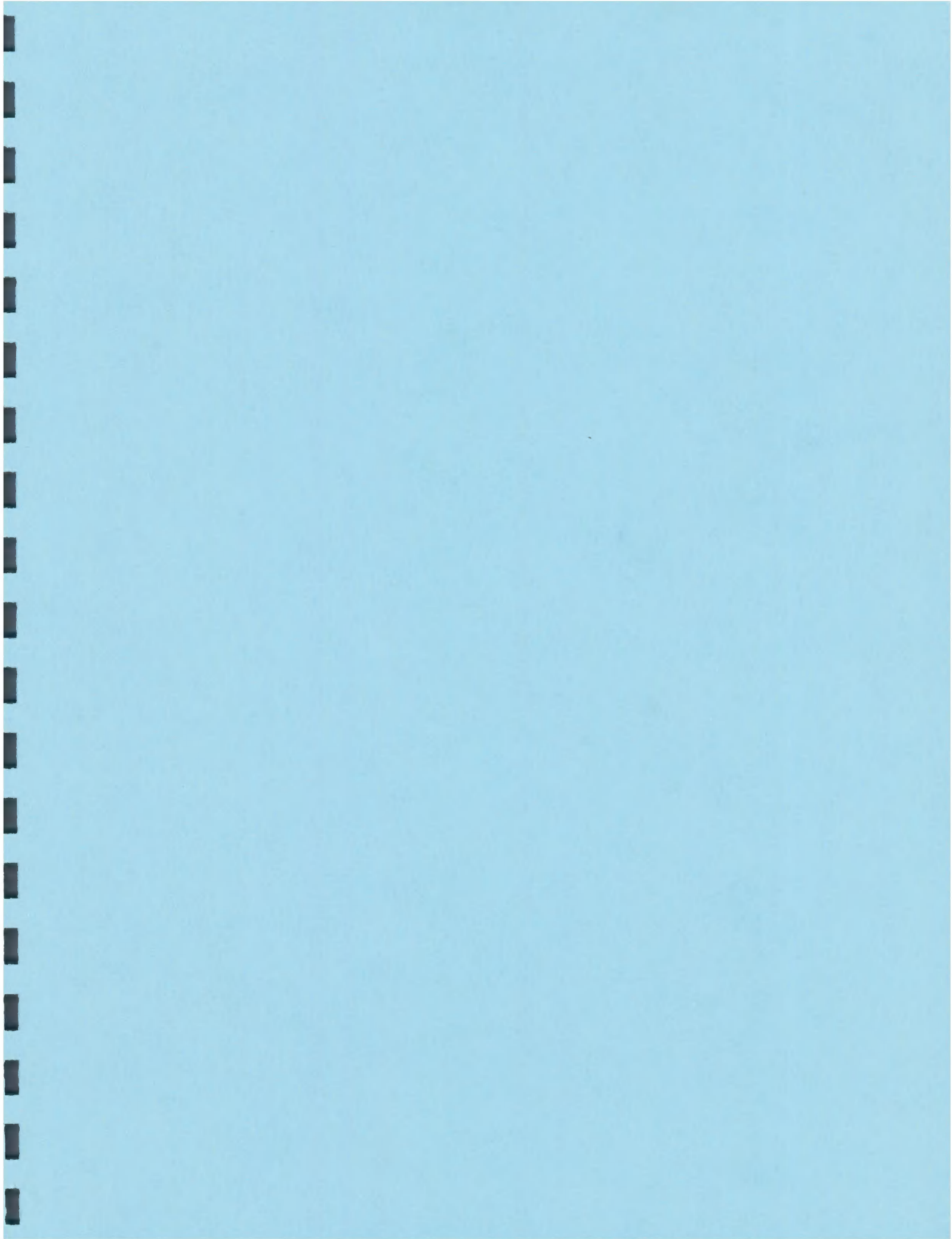
## APPENDIX:

### MERAK ANNEXATION LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana; thence South along the East line of the SW 1/4 Sec. 36-30-12, a distance of 400.0 feet to the Point of Beginning; thence continuing South along said East line of the SW 1/4 of Sec. 36-30-12, 2060.0 feet; thence West with a deflection angle to the right of 89 degr. 35 min. 40 sec. a distance of 1314.0 feet to a point on the West line of the E 1/2 of the SW 1/4 of Sec. 36-30-12; thence North with a deflection angle to the right of 90 degr. 19 min. and along the West line of the E 1/2 of the SW 1/4 of Sec. 36-30-12, a distance of 1148.0 feet; thence West with a deflection angle to the left of 90 degr. 22 min. 30 sec. along the South line of the N 1/2 of the SW 1/4 of Sec. 36-30-12, a distance of 656.34 feet; thence North with a deflection angle to the right of 90 degr. 27 min. 50 sec. a distance of 914.0 feet; thence East with a deflection angle to the right of 89 degr. 38 min. and parallel to the North line of the SW 1/4 Sec. 36-30-12, a distance of 1972.12 feet to the Point of Beginning, containing 75.98 acres, more or less.





THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of September, 1986, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK